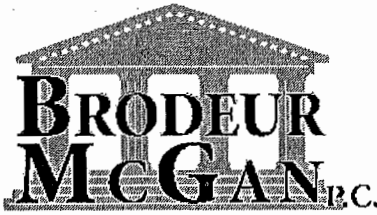


EXHIBIT OO



COPY

1380 Main Street, Suite 202
Springfield, Massachusetts 01103
Tel.: 413-735-1775
Fax: 413-735-1772
www.brodeurmcgan.com

Daniel X. Montagna
dmontagna@brodeurmcgan.com
*Admitted in MA and CT

File No.: 30516

October 13, 2017

HAND DELIVERY

Lisa C. deSousa, Esq.
Kathleen E. Sheehan, Esq.
City of Springfield Law Department
36 Court Street, Room 210
Springfield, MA 01103

RE: *Jean Williams v. City of Springfield Department of Public Works*
USDC, Dist. of Mass, C.A. No. 16-CV-30179

Dear Attorneys deSousa and Sheehan:

I submit this correspondence in a good faith effort to resolve the apparent discovery dispute that has arisen in regard to my client's discovery requests. As you are aware from our previous conversation during the deposition with Vincent DeSantis as himself and as 30(b)(6) designee, I believe the following interrogatories and requests for production to be inadequately answered.

Interrogatories

15) Identify all complaints, whether actually filed in the Massachusetts Commission Against Discrimination or other state or federal tribunal, made against the City in the last five (5) years regarding gender discrimination, including in your answers who made each complaint and the resolution of each complaint.

At Mr. DeSantis' deposition, it became clear that contrary to your answer, multiple claims have been filed against the City. Please provide all information regarding those claims, including the Massachusetts Commission Against Discrimination pleadings filed in all such actions.

Requests for production

Please supplement your response to Request 2. An investigation was identified as being done by Mr. Hill. Please produce any and all of his notes, emails, statements, reports or summaries for this investigation.

As to Request 5, in light of Mr. DeSantis' testimony, please clarify if there were any documents the City considered when hiring primary and secondary snow route inspectors for the

October 13, 2017

Page 2

past five years. For instance, all applications submitted since 2012 for the job which he referenced that were not produced.

Please supplement your responses to Requests 6 and 8. Mr. DeSantis testified in his deposition to a Munis system report, whereby the Munis system can run reports for all persons paid to do the snow inspector job either under code 4616 or other relevant code. Please provide a report from this system as to who performed the functions of the snow inspector from 2012 to present, and include all persons who trained to do the same as identified by this system.

As to Request 9, please produce the DPW foreman job description that Mr. DeSantis stated he created after 2013, which requires all foreman to perform the function of a snow inspector. Also, please produce any documents, including emails, contracts, and job postings, that discuss the job description for a snow route inspector from 2013 to present.

Request 10 needs to be supplemented, as no applications after October 2012 were produced in discovery.

Regarding Request 14, please provide the complaints and your answer/position statements relevant thereto.

Finally, for Request 17, please ensure that this question is read as keeping in mind any documents that any "experts" did regarding job descriptions and job and linkage studies as it relates to the DPW jobs from 1999 to present. In many instances an industrial organizational expert drafted documents for municipalities. If they did so in this case, please disclose their identity and work product.

30(b)(6) deposition

In response to questions about the job description for Snow Route Inspector and the essential functions of that job, DeSantis, the 30(b)(6) deponent, was unable to answer, claiming to be without knowledge of same. However, Defendant had a duty to provide the individual who did have that knowledge, else educate Mr. DeSantis on the topic. Please provide the name of the individual who created the job description and the list of essential functions for the snow route inspector position.

Please supplement these responses timely. I look forward to your response so that we may avoid filing a motion to compel this information.

Very truly yours,



Daniel X. Montagna

DXM:sl

Lisa Brodeur-McGan

From: Lisa Brodeur-McGan <lbm@brodeurmccgan.com>
Sent: Tuesday, February 06, 2018 3:12 PM
To: 'Sheehan, Kathleen'
Subject: RE: remark the deposition of VD and finish 30 b 6

I am free today and all day tomorrow.

From: Sheehan, Kathleen [mailto:ksheehan@springfieldcityhall.com]
Sent: Tuesday, February 06, 2018 2:36 PM
To: 'Lisa Brodeur-McGan'; DeSousa, Lisa
Cc: slefeave@brodeurmccgan.com; 'Dan Montagna'
Subject: RE: remark the deposition of VD and finish 30 b 6

Lisa, When are you available to speak to me? I will be handling this matter not Lisa.

From: Lisa Brodeur-McGan [mailto:lbm@brodeurmccgan.com]
Sent: Monday, February 05, 2018 6:12 PM
To: Sheehan, Kathleen; DeSousa, Lisa
Cc: 'Lisa Brodeur-McGan'; slefeave@brodeurmccgan.com; 'Dan Montagna'
Subject: remark the deposition of VD and finish 30 b 6

I wish to obtain some new dates to finish the depositions we started. Also to confirm that you are bringing John Rooney to answer the questions from the 2012 era re snow inspector hiring and usage. I will send you a notice for John Rooneys deposition if you do not intend to bring him I will mark him up individually. I understand he has retired so please advise if I may contact him myself or if you will handle notice.

I have the dates of Feb 9, 12, 13, 23 26 28th available. Also I have the dates of March 2,5-7 and the 9th. I have just reviewed your supplemental discovery responses that you provided in November and finally have had the time to compare to all the other discovery produced and the discovery dispute letter sent in October. I still need the following information. (CAN WE PLEASE DISCUSS THIS ASAP. WE HAVE A SCHEDULE CONFERENCE SCHEDULED AND I WISH TO KNOW IF WE CAN RESOLVE THESE DISPUTES OR IF I SHOULD FILE A MOTION TO COMPEL.)

1. A list of persons who worked as snow inspectors from 2010 to present. This was requested several different times and in different manners. Some specific requests include interrogatories requests and the second set of production of documents numbers 4 and 5. See also the plaintiffs second set of interrogatories, Question 1 where we once again ask for the City to list who worked during each snow season from 2012 to present, where they were assigned, when they worked and what they were paid. The City's answer does not comply with the rules as the attachments do not answer the question as presented. (I WISH TO DISCUSS THIS WITH YOU AND SHARE MY CONCERN ABOUT THIS ANSWER.) Further the attachments are not consistent with several other versions of documents that have been produced in the underlying mcad case and in discovery. Simply put, I am looking to for the City to answer this question in writing BEFORE my deposition of Vinny Desantis and the completion of the 30 b 6. Such is the most economical way for me to obtain this information and it is not unduly burdensome to request this answer.

2. I need information concerning who created the job description attached to Vinny D's deposition. (SEE Exhibit 1 bate stamp number 139.) I asked for this in the second request for production of documents. You objected to the term " suggests" and did not answer this request. Essentially I am looking for information and documentation as to who drafted the job description listed in BS 139. This is a gender discrimination case and job descriptions themselves can be evidence of discrimination.

3. Regarding the documents that show pay records for snow inspectors. in the second set of production of documents we request in request number 4 for persons who worked as snow route inspectors from 2010 to present and the documents attached to the pod's do not have information for years 2010, 11 or 2012. This is critical information for plaintiff; who worked historically in this role and how it has changed. While you produced some additional pay information attached to your second set of interrogatories, these years were missing.

4. In the second set of pods I asked in request number 12 and 13 or information relevant to your defense that you argued to the MCAD specifically, information that the snow removal personnel dwindled and for this reason the City needed to advertise for more inspectors. I inquired about this to date with the 30 b 6 deponent Vinny D who was not able to answer my questions. The need to hire additional people in 2012 and 2013 is relevant to my case. I am not looking to burden you with a production that involves irrelevant documents only to determine what information you were relying on when the mcad position statement was drafted and given to the MCAD and what conditions changed thereafter that permitted the program to be disbanded. ?

5. Regarding the snow maps requested in 2nd set of pod request number 14, maps for 2012, 13, 14 and 15 are missing. While additional maps were also produced and attached to the second set of interrogatories , they were not labeled as to be representative of any particular year. (For relevance, the maps list numbers which arguable can be cross referenced with routes and without the maps, a key to interpretation of records is missing. None

6. Thank you for the additional applications for snow inspectors you forwarded to me after my discovery letter of October 13, 2017. Specifically you added applications from the 2013 era which supplements the ones from 2012 originally produced. However there were no applications from after 2013 produced. Are there none? on each None

7. Regarding other discrimination complaints. Based on Vinny d's testimony I know there are other claims. Therefore please answer Number 15 in the original interrogatory and original pod request number 14. This was raised in my October 2017 discovery letter. several

8. Investigatory notes documents or records from Mr. Hills discrimination investigation as also raised in my October 2017 letter. None

Thank you for your time and attention to these matters. (ps please let me know if Lisa is point person for this email or Kathy.)

Lisa Brodeur-McGan

From: Sheehan, Kathleen <ksheehan@springfieldcityhall.com>
Sent: Wednesday, February 28, 2018 5:42 PM
To: 'Lisa Brodeur-McGan'
Subject: RE: Williams / potential stipulation by party or interrog answer DRAFT ... NOT COMPLETED

Lisa, I have provided you the information that you requested in the second supplemental answers to ints that was for 2012-2017. As for 2010-2012, the job of snow route inspector was included in the foreman's duties. I will check with payroll to see how they paid the foremen at that time for the snow inspecting.

From: Lisa Brodeur-McGan [<mailto:lbg@brodeurmcbgan.com>]
Sent: Wednesday, February 28, 2018 4:16 PM
To: Sheehan, Kathleen
Subject: RE: Williams / potential stipulation by party or interrog answer DRAFT ... NOT COMPLETED

I need this information before the deposition starts. I have been asking for it consistently. I will be there at 9 and expect to have this information in either a signed interrogatory or a stipulation. I will call the steno and advise her of the same. The entire deposition is centered on this information and I don't need to waste my time or my clients money. Please note that the 30 b notice calls for this information from 2010 to 2017. Further if you are proffering this witness to cover the time frame in question he needs to be prepared to testify to it.

From: Sheehan, Kathleen [<mailto:ksheehan@springfieldcityhall.com>]
Sent: Wednesday, February 28, 2018 4:05 PM
To: 'Lisa Brodeur-McGan'
Subject: RE: Williams / potential stipulation by party or interrog answer DRAFT ... NOT COMPLETED

Lisa, I will look at this but I will not agree to take off tomorrow. Mr. Rooney is retired and this will be the third time his depo would be scheduled and taken off. I can't keep expecting him to set the time aside and have him prepare and then not go forward. I will look at what you have prepared and will see if I can agree to it.

From: Lisa Brodeur-McGan [<mailto:lbg@brodeurmcbgan.com>]
Sent: Wednesday, February 28, 2018 3:41 PM
To: Sheehan, Kathleen
Subject: FW: Williams / potential stipulation by party or interrog answer DRAFT ... NOT COMPLETED
Importance: High

Kathy, I am still drafting this so there is no way I can get this to you before 4 and the steno needs to know if we are moving forward tomorrow. I need something under oath that I can mark for both Rooney and Desantis so let's take tomorrow off. PLEASE LOOK AT THIS AND LET ME KNOW IF I AM ON THE RIGHT TRACK WITH CREATING SOMETHING YOU CAN HAVE SIGNED.

stipulation of defendant city of Springfield department of public works. / signed by a party not the lawyer!

Under pain and penalties of perjury the Defendant represents the following.

1. The document BS City Stip 2-11 is a complete list of every person on the DPW payroll that works in the DPW department for the years 2012 to December 2017 that performed the function of snow plow inspector. This documents lists the pay received by each person, the dates worked, the section plowed by zone number.
2. Def Stip BS 12 and 13 are zone descriptions that cross reference BS 1-11.
3. bs City Stip 15 and 16 is a complete list of every person who performed snow plow inspector functions that were employed outside of the Defendant DPW department for the dates of _____/2013 to December 2017. This document was created by _____ in the _____ department and the defendant represents that this is a complete list of any and all persons who performed the function of snow plow inspector and its functions. This list was created by a review of the payroll system entitled and reflects work performed and paid for per workweek and is not divided by individual days.
4. BS City Stip 17 is a list of persons for the year of 2012 who did not work for the DPW but worked instead for another City department who performed work as a snow plow inspector or who trained as a snow plow inspector. This page list all non DPW employees and is complete. This list was created by _____ who examined the _____ records to determine any person outside DPW who was paid for snow ploy inspection functions for the year 2012.
5. Each person on BS City Stip 17 was paid _____ per hour and this was created by _____ who reviewed the _____ payroll system. This list represents all persons who were non-dpw employees who were paid for performing work as a snow plow inspector or for training for such job for the time period of -----to _____.
6. Each person on BS City Stip 17 would have worked the week of December 29, 2012 ??? or would have worked the winter of 2012?
7. BS City Stip 18 is ... a list that was created by _____ using the _____ system and is a list of all persons who performed work or training as a snow plow inspector from the dates of -----to -----. This lists the pay they received and no persons are missing from this list for the years indicated by this paragraph.
8. in order to determine every person who performed the function of snow plow inspector or trained for snow plow inspector for the years of 2012 to December 2017, one must combine all the names listed on BS 2-11, 15-18. This is a complete list of all persons who performed such work and was paid by the Defendant.
9. BS City Stip 19 is a list of all snow plow inspectors and back up inspectors for the year of This list was effective for the years of _____, _____, _____
10. BS _____ is a complete set of all applications received by the City of Springfield DPW department from 2010 to december 2017 for the job of snow plow inspector.
11. There are no other applications in our possession after diligent search therefor.
- 12.

Sharon LeFeave

From: Liebl, Stephanie <sliebl@springfieldcityhall.com>
Sent: Wednesday, February 28, 2018 4:32 PM
To: lbm@brodeurmccgan.com; slefeave@brodeurmccgan.com
Cc: Sheehan, Kathleen; Liebl, Stephanie
Subject: Williams Case - Revisions to Stipulation
Attachments: 201802281628.pdf

Attorney Brodeur McGan and Ms. Lefeave:

Attorney Sheehan asked that I email you her revisions to your proposed stipulation.

Sincerely,
Stephanie Liebl
Paralegal
City of Springfield Law Department
413-787-6149

Sheehan, Kathleen

From: Lisa Brodeur-McGan <lbg@brodeurmccgan.com>
Sent: Wednesday, February 28, 2018 3:41 PM
To: Sheehan, Kathleen
Subject: FW: Williams / potential stipulation by party or interrog answer DRAFT ... NOT COMPLETED

Importance: High

Kathy, I am still drafting this so there is no way I can get this to you before 4 and the steno needs to know if we are moving forward tomorrow. I need something under oath that I can mark for both Rooney and Desantis so let's take tomorrow off. PLEASE LOOK AT THIS AND LET ME KNOW IF I AM ON THE RIGHT TRACK WITH CREATING SOMETHING YOU CAN HAVE SIGNED.

stipulation of defendant city of Springfield department of public works. / signed by a party not the lawyer!

Under pain and penalties of perjury the Defendant represents the following.

1. The document ^{snow season} BS City Stip 2-11 is a complete list of every person on the DPW payroll that works in the DPW department for the years 2012 to December 2017 ^{route} that performed the function of snow ~~plow~~ inspector. This documents lists the pay received by each person, the dates worked, the section plowed by zone number.
2. Def Stip BS 12 and 13 are zone descriptions that cross reference BS 2-11.
3. ^{snow season 2013-2014} BS City Stip 15 and 16 is a complete list of every person who performed snow ~~plow~~ inspector functions that were employed outside of the Defendant DPW department for the dates of ^{route} ~~12/29/13~~ to December 2017. This document was created by ^{route} ~~Flora Mami~~ in the ^{route} ~~Payroll~~ department and the defendant represents that this is a complete list of any and all persons who performed the function of snow ~~plow~~ inspector and its functions. This list was created by a review of the payroll system entitled and reflects work performed and paid for per work week ^{route} ~~not~~ and is not divided by individual days ^{route} ~~per the dates listed.~~ ^{pay date 12/29/12}
4. BS City Stip 17 is a list of persons for the year of 2012 who did not work for the DPW but worked instead for another City department who performed work as a snow ~~plow~~ inspector or who trained as a snow ~~plow~~ inspector. This page list all non DPW employees and is complete. This list was created by ^{route} ~~Patricia Reilly~~ who examined the ^{route} ~~records~~ to determine any person outside DPW who was paid for snow ~~plow~~ inspection functions for the year 2012. ^{route} ~~pay date 12/29/12.~~
5. Each person on BS City Stip 17 was paid _____ per hour and this was created by ^{route} ~~Patricia Reilly~~ who reviewed the ^{route} ~~payroll~~ system. This list represents all persons who were non-DPW employees who were paid for performing work as a snow ~~plow~~ inspector or for training for such job for the time period of _____ to _____ ^{route} ~~The pay date of 12/29/12.~~
6. Each person on BS City Stip 17 would have worked the week of December 29, 2012 ^{route} ~~???~~ or would have worked the winter of 2012-23 ^{route} ~~for the period of time for which 12/29/12 was the pay date.~~
7. BS City Stip 18 is ... a list that was created by ^{route} ~~Patricia Reilly~~ using the _____ system and is a list of all persons who performed work or training as a snow ~~plow~~ inspector from the dates of _____ to _____. This lists the pay they received and no persons are missing from this list for the years indicated by this paragraph. ^{route} ~~for pay date 2/16/13~~
8. In order to determine every person who performed the function of snow ~~plow~~ inspector or trained for snow ~~plow~~ ^{route} ~~inspector~~ for the years of 2012 to December 2017, one must combine all the names listed on BS 2-11, 15-18. This is a complete list of all persons who performed such work and was paid by the Defendant.
9. BS City Stip 19 is a list of all snow plow inspectors and back up inspectors for the year of This list was effective for the years of _____, _____, _____

No said document attached-

10. BS _____ is a complete set of all applications received by the City of Springfield DPW department from ~~2010 to~~ ^{SNOW 2012-2017} ~~december 2017~~ ^{for the job of snow plow inspector} for the job of snow plow inspector.
11. There are no other applications in our possession after diligent search therefor.
- 12.

Sharon LeFeave

From: Lisa Brodeur-McGan <lbm@brodeurmccgan.com>
Sent: Friday, May 11, 2018 12:10 PM
To: 'Sheehan, Kathleen'
Subject: confirming call on Williams

Thank you for calling on Williams. I understand from this conversation today that the payroll documents that were attached to the interrogatories are not to be relied on to determine who did the work for the periods of time in question. I also understand that you cannot advise me at this time who was performing this work. I also understand and appreciate that you need time to figure this out. For this reason I cannot complete my depositions or really my discovery on this critical issue. I have reiterated my request to settle as the time we have all spent on this is substantially greater than the demand I made. I will await your response to resolution before we decide the next step. Can we speak no later than Friday next week on this topic please?

Sharon LeFeave

From: Sheehan, Kathleen <ksheehan@springfieldcityhall.com>
Sent: Friday, June 29, 2018 4:24 PM
To: Lisa Brodeur-McGan (lbm@brodeurmcgan.com)
Cc: 'Sharon LeFeave' (slefeave@brodeurmcgan.com); Landry, Megan
Subject: Williams

Hi Lisa, Over the past weeks, I have been again working with the DPW and payroll to try and obtain the information that you have requested regarding the names of the snow inspectors, dates worked and wages paid from 2009-2017.

Unfortunately that information is not available. I would like to meet with you to discuss why it is unable to be provided and to discuss what information I can provide to you relative to those issues. I will out of the office next week but if you or Sharon contact Megan Landry at my office , you can make an appointment for us to meet. I can go to your office but I think it would be best if you came here since the documents are all in this office.

Thanks

Lisa Brodeur-McGan

From: Sheehan, Kathleen <ksheehan@springfieldcityhall.com>
Sent: Monday, July 09, 2018 11:27 AM
To: 'Lisa Brodeur-McGan'
Subject: RE: Williams

Lisa, Sorry to hear about your back issues. Hope they are better now. I am available to meet Thurs or Friday of this week. What would work for you?

From: Lisa Brodeur-McGan [<mailto:lbm@brodeurmccgan.com>]
Sent: Monday, July 02, 2018 11:37 AM
To: Sheehan, Kathleen
Subject: RE: Williams

kathy I have been out of the office for more than a weke with a serious back issue. I am working only a few hours today and not going to make it through the day. what do you have for the end of the week

From: Sheehan, Kathleen [<mailto:ksheehan@springfieldcityhall.com>]
Sent: Friday, June 29, 2018 4:24 PM
To: Lisa Brodeur-McGan (lbm@brodeurmccgan.com)
Cc: 'Sharon LeFeave' (slefeave@brodeurmccgan.com); Landry, Megan
Subject: Williams

Hi Lisa, Over the past weeks, I have been again working with the DPW and payroll to try and obtain the information that you have requested regarding the names of the snow inspectors, dates worked and wages paid from 2009-2017. Unfortunately that information is not available. I would like to meet with you to discuss why it is unable to be provided and to discuss what information I can provide to you relative to those issues. I will out of the office next week but if you or Sharon contact Megan Landry at my office , you can make an appointment for us to meet. I can go to your office but I think it would be best if you came here since the documents are all in this office.

Thanks

Sharon LeFeave

From: Sheehan, Kathleen <ksheehan@springfieldcityhall.com>
Sent: Thursday, July 12, 2018 12:20 PM
To: Lisa Brodeur-McGan (lbm@brodeurmccgan.com)
Cc: 'Sharon LeFeave' (slefeave@brodeurmccgan.com)
Subject: Williams

Hi Lisa, Just following up on the email that I sent to you on Monday the 9th of July offering to meet with you to discuss your request for the names, dates worked of the snow inspectors from 2009 – 20117. I am available on Friday the 13th and much of next week.

Just contact me at your convenience to work out a date/time.

Thanks

Sharon LeFeave

From: Sheehan, Kathleen <ksheehan@springfieldcityhall.com>
Sent: Monday, July 23, 2018 10:27 AM
To: Lisa Brodeur-McGan (lbm@brodeurmccgan.com)
Cc: Landry, Megan; 'Sharon LeFeave' (slefeave@brodeurmccgan.com)
Subject: Williams v City of Springfield

Lisa, Please be advised that in accordance with the local rules, I am contacting you to inform you that I will be filing a motion for summary judgement on behalf of the defendant in the above captioned matter and I am available to consult with you at your convenience to see if we can limit the areas of disagreement.

Sharon LeFeave

From: Sheehan, Kathleen <ksheehan@springfieldcityhall.com>
Sent: Monday, July 30, 2018 11:38 AM
To: Lisa Brodeur-McGan (lbm@brodeurmccgan.com)
Cc: 'Sharon LeFeave' (slefeave@brodeurmccgan.com); Landry, Megan
Subject: Williams v. City

Hi Lisa, Hope you had a good vacation.

I am available this week to discuss the discovery disputes that have arisen as well as the MSJ that the City expects to file so that we may limit any potential areas of dispute. Could you give me a couple to days/times that you are available to discuss? thanks